

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Valeria Lyles, et al.,

NO. C 05-04042 JW

Plaintiffs,

v.

**ORDER DENYING MOTION FOR
SANCTIONS WITHOUT PREJUDICE**

County of Monterey, et al.,

Defendants.

On June 27, 2006, the parties filed a joint statement advising the Court that Monterey County has issued the necessary construction permits pursuant to the Court's Order dated June 23, 2006. Based on the parties' progress towards construction, Plaintiffs' Motion for Rule 16(f) Sanctions is denied without prejudice to renew at a later date if, during the course of construction, Defendants have occasioned further delays. On such a renewed motion, if filed, this Court would consider Defendants' actions both prior to the issuance of the permit, and any alleged delays on the part of Defendants during the construction process.

The parties shall advise the Court as to when construction has commenced and when they believe that Plaintiffs' residence will be stable.

Dated: July 10, 2006

05cv4042sanctions

/s/ James Ware
JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Gerald V Barron gbarron@lozanosmith.com

Irven Grant granti@co.monterey.ca.us

3 Patrick McGreal mcgrealp@co.monterey.ca.us

4
5 **Dated: July 10, 2006**

Richard W. Wieking, Clerk

6
7 **By: /s/ JW Chambers**
8 **Melissa Peralta**
9 **Courtroom Deputy**